



24 APR 2007

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In re Application of :
HEALD *et al* :
U.S. Application No.: 10/550,945 :
PCT No.: PCT/GB04/01394 :
Int. Filing Date: 29 March 2004 :
Priority Date: 28 March 2003 :
Attorney Docket No.: 0546-1082 :
For: PREPARATION OF VANILLIN FROM :
MICROBIAL TRANSFORMATION :
MEDIA BY EXTRACTION BY MEANS :
SUPERCRITICAL FLUIDS OR GASES :

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 05 March 2007.

BACKGROUND

On 03 January 2007, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 05 March 2007, applicants filed the renewed petition which was accompanied by, *inter alia*, an affidavit of Lorette Saint-Cricq and other documentary evidence.

DISCUSSION

Applicants claim that three joint inventors refuse to cooperate in the above-identified application. Applicants failed to show that a copy of the subject application was received by one of the nonsigning inventors in the initial petition.

In the renewed petition, applicants' submitted a declaration by Ms. Saint-Cricq who claims that she contacted the French Post Office regarding the letter previously submitted. Then, Ms. Saint-Cricq states that she attempted to contact Mr. Tim Wolford at his place of business via telephone and email. Copies of the emails sent to tim.walfor@abbott.com were submitted with the renewed petition.

The explanation in the affidavit regarding the lack of signature on the postal receipt for Mr. Wolford is accepted. Moreover, the email receipt constitutes direct evidence of receipt. Mr. Wolford's lack of a response constitutes a refusal to cooperate pursuant to section 409.03(d) of the MPEP. Item (2) of 37 CFR 1.47(a) is now

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pursuant to section 409.03(d) of the MPEP. Item (2) of 37 CFR 1.47(a) is now satisfied.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 29 March 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 30 November 2006.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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